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POSSESSION OF LAND

In the discussion of the rights to land obtaining in Nupe two facts must be borne in mind. First, the Fulani conquest, which resulted in the appropriation of part of the vacant tribal land; and second, the very low birth-rate and sparse population of the country. These two factors limit each other's effectiveness; moreover, they affect different parts of the country in different measure. We have seen that the appropriation of tribal land took place only in the area east of the Kaduna (Cis-Kaduna).¹ In the area west of the Kaduna (Trans-Kaduna),² land-tenure on the traditional tribal or village basis still obtains, and here the population factor shows itself effective in that it eliminates almost all pressure on the land and all more severe competition for landed possession. Owing to the political factors the opposite is true of Cis-Kaduna, and here a complex system of land ownership and land transfer, which in the extreme case amounts to outright purchase for money, reflects the attempts of the people to counteract the pressure on the land. That land disputes are extremely rare in Trans-Kaduna, but very frequent in the 'conquered' territory, is evidence of the same development. One exception may be mentioned at once: the especially valuable marsh-land groves and plots near river-courses, which the Nupe call *bata* (the Hausa *kurmi*). Disputes about this valuable kind of land occur now and again even in the land-rich Trans-Kaduna, and they are fought with special bitterness in Bida and the crowded 'conquered' territory. The following figures may be quoted in support of this statement: in the years 1934 and 1935 24 cases of land litigation came before the *Etsu's* Court in Bida; 21 referred to Cis-Kaduna and 3 to Trans-Kaduna; of the latter none was a land case in the narrow sense of the word—one was a dispute about trees, and two were disputes over marsh-land plots.

The description of Nupe land-tenure may start most profitably with an enumeration of the various methods by which a man, stranger or native of Nupe, may acquire land or has been able to acquire land in the past. It must be said first of all that under traditional conditions only men can hold or claim possession of land. The dynastic policy of the Nupe kings has first led to women being invested with fiefs and landed property. Mohammedan law, besides, is inclined to confirm land holding by women in their own right. But the holding of land by women is still extremely rare, and limited to Bida and the surrounding districts. I have come across one case only—a court case in which sons and brothers of a recently deceased woman contested the inheritance of her landed property. Needless to say, none of the parties concerned were peasants; the land had been acquired first through the channels of clientship, and the present claimants—Bida Mallams—wanted it only in order to sublet it for profit.

To return to traditional land-tenure. For a Nupe man who comes

¹ The territory between Kaduna and Gbako river, i.e. Beni country, and the districts east of the Gbako river, i.e. Badeggi and Kacha districts.

² Trans-Kaduna is the literal translation of the Nupe name for the area: *Lawunkpā* (*Lawa* being the Nupe name for the Kaduna river).

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group or village community), holding 'corporate' rights to land. (2) Acquisition of land in virtue of a contract between individual landowners—a short-term contract such as the 'borrowing' of land, or a long-term, or indefinite, contract such as is embodied in tenantry and in the granting of land for services rendered. The methods summarized under the first category occur both in Trans- and Cis-Kaduna; of the methods summarized under the second category only 'borrowing' occurs in Trans-Kaduna; all acquisition and transfer of land for indefinite periods is restricted to the 'conquered' area east of the Kaduna.

Village Land

The village land is administered, that is, held in trust and apportioned—in Nupe terminology 'owned'—by the chief. Linguistically the specific character of his administrative right to the disposal of village land is not defined very clearly. The Nupe refer to the chief's control over land in exactly the same terms which they use for the direct utilization and ownership of land by a family head or any individual farmer. The Nupe would use the same term also when speaking of the territory belonging to a village, i.e. the land that is 'owned' by the people of the village collectively.¹ Understood in the widest sense of the word, this village land embraces a territory surrounding the village in a rough circle. It comprises three kinds of land, each called by a different name: (1) occupied land fallow or actually worked, in the hands of families or individuals—*latf*, 'farm'; (2) vacant land which has once been occupied but has fallen back to the common fund of land held in trust by the chief for future allotment—mostly referred to as *gonta*; and (3) a fringe of virgin land claimed by the village community as a land reserve—called *cihā*, 'bush', or, again, *gonta*. The second and third kind of land we will call 'village land' in the narrow sense, as against land of the first kind, 'family land'.

The border between the fringe of virgin land which is regarded as the land reserve of the village and the stretch of no-man's-land which separates it from the territory of the next village is fluid and never rigidly defined. There are no marks or boundary signs. But in the sparsely populated area of Trans-Kaduna this never leads to disputes between villages. The fluidity of this boundary is, in fact, an essential part of the elastic system of Nupe settlement, with its star-like expansion and founding of new 'colonies' which, step by step, extend the village territory. The area of village land rarely stretches beyond a radius of three miles: in other words, the Nupe farms are situated within an hour's walk from home. In some cases, where the farms are farther away, the farmers build small grass huts on the farms, in which they can find shelter in a rain or storm or spend the night if it is too late to walk home. Should the people of the village, in their search for new land, go beyond this easy reach, they would found new, permanent settlements, village

¹ The Nupe would say, for example: *Žitsu wū kin kpātd*, the chief owns all the land; or *Dokociži wū kin babō*, the people of Doko own the land round here; but also *Kolo-gā wū lati-o*, it is Kolo who owns this farm.

621 'colonies' or *tunga*. The *tunga* thus possesses land in its own right, but at
361 the same time pushes its territorial possessions further into no-man's-land.

Access to Village Land

621 There is no general rule for the distribution, within the area of village
423 land, of the farms belonging to the various family groups and individuals. Roughly one may say that the small individual plots (called *buci*—a term to be explained presently) are situated near the village and the larger family plots (*efakó* plots) farther afield. When old men own plots of their own they, too, are given plots near the village so that they should not have to walk too far. The different plots which belong to the group of people living together in the same house (as a rule, a single family group), whether the plots are worked jointly or independently by the various household members, do not necessarily lie together, but are frequently scattered. Nor have the people who live together in the same *efu* their land on adjoining sites, or in the neighbourhood of the part of the village where they live. We may add that, again, there exist no special signs or boundary marks to distinguish the property of different farmers. A narrow path, a border of shrubs, or a tree, serve as landmark.¹ But the different cultivation that may be practised on the different fields, or the different stage of cultivation which the different fields may represent (fallow land, land that has been worked for one year, or two years, &c.), make these boundaries more obvious to the eye.

242 This irregular distribution of farm-plots appears to be due to a variety
423 of causes. To some extent it is entailed in the complex agricultural technique of the country, with its many different types of cultivation and its regular system of rotation of crops. Every farmer owns a certain number of fields—some under cultivation while others are lying fallow—which he tries to distribute over different sites so that he can utilize different types of soil, e.g. the marshy sites near watercourses for the cultivation of rice or sweet potatoes, dry sandy soil for ground-nuts, heavier soil for yam and cotton, and so forth. This arrangement also has the advantage of distributing more evenly the risks of failure. You often find farmers complaining that one site on which they have a farm is less good than another, or has perhaps suffered special injury that year through birds or through thieving baboons, or has been washed away by a flooded river. But the irregular distribution of farm-plots is also a result of the very method of Nupe settlement: it could not be otherwise with the farm-land lying in a circle round the large villages in which a numerous population is concentrated. There would not be room enough for all family groups in the village to have their lands arranged in compact blocks in equally favoured positions, both with regard to the distance from the village and to the quality of the soil. Moreover, some plots more heavily worked than others 'tire' sooner and must be replaced by virgin land lying farther afield; and growing families must provide more land for their

¹ A characteristic exception are a few marsh-land plots near Kacha, which are properly fenced in—"because of the many disputes" that arise over this kind of land.

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adult members. All these factors have in the course of time contributed to make the map of Nupe village land the irregular patchwork it is to-day. 423 621

At the beginning of this section I have mentioned the possibility that a family head may have to request additional land from the chief for a junior family member for whom he cannot find sufficient land on his own property. To-day, this is rarely put into practice, usually only in the extreme case when a whole section of the family, finding the available land near the village insufficient or too poor in quality, sets out to colonize a piece of virgin land and eventually to settle there as founders of a new *tunga*. In the normal case—especially in Trans-Kaduna—when land has to be found for an individual family member, the family head is as a rule expected to possess sufficient land to effect this readjustment. The family head, owning three to four different fields, each of about 4 acres, can, in fact, well afford it in a society with so low a birth-rate. The worst that may happen is that for a time the family head may have too much of his land lying fallow to be able to find additional land for the family member who desires a new farm. It is then that the method of 'borrowing' land is practised. 423 621

Let us consider now more closely the position of the chief with respect to the question of access to village land. Control over the land is part of his political authority. It is, as I called it, an administrative control only, and this is expressed in a balanced, twofold, limitation of the claims to land of chief and community, of the power of the chief to apportion or withhold land, and of the power of the family head to claim and keep land. As regards the former limitation, the chief cannot reasonably withhold land from any claimant of whom the other elders of the community approve. Nor is the chief's own farm-land out of proportion to that of any other family head with an equally large working-group at his command. As regards the latter limitation, the control which the chief retains over all reapportionment of village land is acknowledged whenever the main family land changes hands, that is, in the case of succession to the position and property of a family head.¹ The chief must be informed of all such changes, and in some parts of Nupe he summons at this occasion the family members with their new head and reminds them of their obligations towards each other: the family members, that they will now work on the land of the new family head, and the family head that he has now assumed the responsibility to feed and clothe his people and, some day, to supply them with land of their own. Sometimes a gift to the chief of one pail of whatever crop is just ripe seals the pact. The annual village tax in kind, *dzanká*, which, as we know, was formerly paid to the chief by every family head, is itself a land-tax, a recognition of the chief's control over the village land. It consisted in a gift of one to three bundles of millet or sorghum, the amount varying with the condition of the crop. A complete failure of the crop meant exemption from the *dzanká*. The *dzanká* was thus not regarded as a fixed tax, but rather as 423 622 651

¹ The succession to the position of family head being, in most cases, identical with the succession to a *nisa* rank, the procedure described here holds good for both (see p. 50).

albarika (lit. blessing), a gift meant to express the 'blessing' that lay on the land which the family received from the chief.

Another expression of the chief's control over the reapportionment of land is that all land of families or branches of families which have died out, and similarly the land of families who have emigrated, falls back to the common fund of land reserve administered by the chief. The period within which the land of emigrants still remains theirs is fixed everywhere in Nupe as three years. After that time the chief is entitled to reapportion the land. Should an heir from the emigrated group return after a longer period, he could (like any other stranger) claim land in the village, but not as a rule the same land that his family had held previously. The dying-out of a family, or a branch of a family, seems a fact not easy to establish and always open to doubts in a social system in which small sections repeatedly split off the main body of the family. There is always the chance of an unexpected or belated claimant turning up, representing a distant branch which chief and elders may no longer have reckoned as likely to identify itself with the original family. But this is mainly a theoretical speculation; there occur few such cases in Nupe—none in Trans-Kaduna, where land is plentiful and vacated plots unlikely to be much competed for.

In Cis-Kaduna I witnessed an interesting case of this kind. A family head in Doko had died, leaving a small boy, who was then adopted by a childless brother of the deceased, living in a *tunga* on a farm of his own. The boy grew up on this farm and lived there contentedly until recently, after more than twenty years, the chief reapportioned the apparently unclaimed land that had belonged to the boy's father to two elders of high rank, the *Lile* and *Shaba* (both of the chief's family). Not until then did the young man return to Doko and make a formal claim for his ancestral land. But political motives rather than economic interest were behind this move; the parties in this case were, again, the chief of Doko and young Ndakó Gana, the 'dispossessed' descendant of the line of original chiefs. The chief had reapportioned the land in order to blot out the last visible connexion between the 'pretender's' family and the chieftainship of Doko; and the young man disputed the reapportionment on these very grounds. In the end he received back some of the original land and other new land in addition.

Here we discover a new significance in the apportionment of village land—its connexion with the bestowal of rank or office. This is not surprising in the communities (such as Doko) where the village ranks, like the land, remain in the possession of one 'house'. Later, we shall see more clearly, in the discussion of inheritance, that the Nupe kinship system tends indeed to couple attainment of family headship (which goes with rank) with inheritance of ancestral land. Considering, however, that the ordinary village land does not differ widely in quality and productive value, we can understand that this political aspect of land ownership is rather obscure—save in a case such as the one just quoted where political aspirations have attached to a specific property more than its proper share of symbolic significance. The political aspect becomes more prominent in connexion with a natural resource that shows this

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difference in quality and value to a much greater extent, namely, fruit-bearing trees. 423 621

In most districts the chief has a special title to certain economically valuable fruit trees wherever they grow, on vacant land or on people's farms. In Doko and Shebe this special chief's tree is the locust-bean, in Kutigi and Wuna the oil-palm. In Mokwa there exists another regulation, namely, that all shea-nut and locust-bean trees inside the town belong to the chief, while the trees outside are the full property of the man on whose ground they stand. Also there is in many places the general rule that no fruit tree on village land may be cut down without the special permission of the chief. Sometimes family heads exercise a restricted right to the 'chief's trees' growing on their land, i.e. they return two-fifths of the crop to the chief and keep the rest. But the chief may also grant the full possession of these trees as a separate right; thus he bestows the property of a certain number of valuable trees on an individual—young or old—as a recognition of higher civic status, together with the promotion to rank and title. The right to the trees, coupled with the rank, remains the property of the 'house', conditional upon the renewal of the appointment (to the same or a similar rank) after the death of each holder.¹ The shea-nut trees—to-day of considerable commercial importance—occupy everywhere in Nupe a special position. The trees on vacant land (virgin village land or no-man's-land) are common property. The women who collect the fruit go out in small parties and share the crop among them. The shea-nut trees on occupied farm-land belong to the owner of the farm.² In either case the exploitation of the crop is the exclusive prerogative of the women. [554]

A few words may be given to a special variety of village land, the plots that are situated in the village itself, round the compounds and between the village *efu*. This land is owned by the people who live in the compounds adjoining the plots. Its inheritance and apportionment is ruled by the same regulations as the inheritance and apportionment of the houses themselves and will best be discussed in a later section. The land inside village and town differs only in one respect from the village land without: it is never left uncultivated. Manured as it is by the refuse from the houses it can be used continuously without the necessity of being left fallow for a period. If the owner of such plots leaves the village or the town and does not return for some time, leaving no one behind (which has happened frequently in Bida during the last twenty years), the neighbours will use the farm-plots; they are always ready, [562]

¹ A certain complication arises when the modern official Village Head is not identical with the traditional chief, for the former may assume control over the land only, not over trees—he may indeed not possess any 'chief's trees' himself, at least not at the time of his appointment. There is no evidence as yet to show how this contradiction will be solved in the course of time—except an indirect evidence to be mentioned presently (see p. 189, n. 2), which tends to show that this separation of land- and tree-rights is allowed to last for several generations.

² The facts mentioned here will correct the statement made by some students of West African agriculture, that 'shea-nut trees are generally regarded as entirely common property' (O. T. Faulkner and J. R. Mackie, *West African Agriculture*, 1933, p. 27).

- 423 however, to give them up as soon as the former owner or his heir may
621 return, even if he had been absent for a longer period than three years—
the period of absence stipulated in the village. I have heard of no dispute that has ever arisen over these house-plots, either in the village or in Bida town.

Strangers as Settlers

- 609 From the land which the chief holds in trust he apportions land on
425 request to strangers who come to settle in a Nupe village and equally, as
621 we have seen, to natives of the village who, through long absence, have
forfeited the claim to their family land. The procedure is the same for both. It is interesting to examine these regulations, especially because this form of granting land implies a previous adoption of the applicant into a local household. Generally speaking, the Nupe like strangers—respectable strangers—to settle in their villages. This fact reflects both the lack of pressure on the land and the attitude of a commercially highly developed country which is ready to welcome new citizens, very likely people who bring with them new techniques and new valuable knowledge.¹

- [431] The stranger who decides to settle in a Nupe village will first stop for some time in the house of a family head, perhaps a friend, or friend of a relation, who is ready to accept him as a temporary member of the household. Be it a short or prolonged stay, strangers will never be expected to pay for their 'lodgings'. A small present of food or kola-nuts is the only compensation. The guest will keep his own *ménage*. But after a time he comes to be regarded as an adopted member of the house, and then it is time to make his request for land and a site for a house of his own. This request will always be done through the *emitsó*, the Owner of the House, who will bring the case of his guest to the notice of chief and elders. The *emitsó* will have to vouch for the character and reputation of the applicant—a bad reputation would invariably lead to a rejection of the application. The procedure (which varies slightly in different places) is this: a preliminary gift, called *emisa*, 'salute', consisting of ten to twenty kola-nuts, a fowl, a calabash of beer, or—more rarely—money, accompanies the formal request to the chief. Another gift of kola-nuts is made later to the chief's representative (one of the elders), who will go with the applicant to stake out the farm-plot and the site for the house, and who may become later an important witness if any dispute should arise. Now the new landowner sets to work. For two to three years he is exempted from tax. Then, when the crops have been good, he pays his first *dzanká*, not yet to the chief himself, but to the family head in whose
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- [177] ¹ We have mentioned evidence of this already, e.g. the Bornu settlers who have introduced onion-growing into Kutigi, or the Yoruba-Konó who introduced weaving and indigo dyeing in Yoruba fashion. At the hearing of a court case—it was a rather involved dispute over a house in Kacha that had been 'sold' by the late owner in order to obtain money for tax arrears (the only case of this kind that has ever come to my notice), as a result of which his widow had now no place to go to—the *Etisú's* Court officially recommended that 'strangers should always be adopted into one's household and given a hut to live in'.

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house he had been staying before, and the latter returns half of the gift to the chief. The next *dzankd* will be the ordinary land-tax of every member of the village community, presented to the chief directly. Today the first part of the procedure has remained unchanged, except that the application (and sometimes the presents as well) may also be addressed to the District Head.¹ But the annual *dzankd* is now replaced by the Government tax.

The grant of land to strangers never includes the trees growing on the farm-land. They remain the property of the village chief or the other native inhabitants, and this makes the analogy between strangers and adopted household members full: for like the strangers junior family members cannot own trees, although they hold land of their own.²

Access to Family Land

This question will be examined in detail later, and no more than a short summary is needed here. Three methods regulate the access of the individual member of the family group to the family land held jointly by the group and administered by the family head. (1) Temporary and restricted access to this land is embodied in the right of every male member, boys as well as adults, to a small plot of his own, which he can work independently. Such plots are called *bucd*, and the individual work on the plots is called *bucd* work. (2) Adult male members of the family group, who have already founded a family of their own, may claim a large farm of the kind that is worked jointly by a number of family members. This farm and farm-work is called *efakó*. (3) The fullest access to family land is embodied in inheritance and in the succession to the position of family head. This position implies control over all family land that the family head holds in his hands. The first two forms of access are 'family affairs' arranged without any formality; the last transaction implies, as we have seen, a formal reference to the chief. The chief's control over the occupied village land is thus made conspicuous not with respect to land that is apportioned on a small scale to individuals for direct use, but with respect to the land that is to be held in trust for future distribution by the new family head. The chief, in other words, as he is bound himself to trusteeship, guarantees the trusteeship undertaken by others. The analogy in the position of chief and family head with respect to land is clearly recognized by the Nupe. Both are heads of corporate groups, and both administrators of the joint rights vested in the groups. Both, moreover, hold the same special, economically significant, right to trees.

¹ I am not sure if this is really prescribed by the regulations. I know that in Agaié Emirate all peasants thought it was. In any case it would save a lot of trouble, should disputes arise later, if one had the District Head for a witness of the original transaction.

² This rule also holds good with respect to large groups of alien settlers. In Kutigi, for example, it led to the anomalous position that the Benú settlers, although they had become the political rulers of the community and supplied the chief of 'Greater Kutigi', owned no trees at all in the beginning, and still own very much less than the family heads of the *kintsofi*, the Owners of the Land, that is, the original inhabitants.

- 423 No junior family member, even when already holding *efaké* land in his own right, may claim any share in the produce of the fruit-bearing trees. Only succession to the family head's position implies the usufructory right to the trees that stand on his or any other parcel of the family land.

Borrowing of Land

427 Land can be borrowed only for limited periods, as a rule for periods from two to five years, that is, in order to help a temporary shortage of land. The family heads or other 'landlords' arrange the transaction between themselves, not necessarily informing the chief, but always in the presence of witnesses who should be able later to testify to the nature of the transaction. Every landowner who has enough land is ready to 'lend' it in this way. In Trans-Kaduna the transaction is regarded as a friendly act, a 'helping out', quite natural between neighbours or fellow villagers. The borrower pays annually a fixed rent in kind, as a rule one bundle of millet or sorghum. In Cis-Kaduna the transaction gains a definite commercial significance: the borrower pays a small sum of money down, varying with the quality of the land (from 8d. for about one acre of ordinary land to 2s. for a much smaller plot on valuable marsh-land—the highest amount paid I found to be 6s.), and again the annual rent of one bundle or the equivalent in money.¹ In one case I found that regular farm-work for the owner of the land had taken the place of the annual rent in kind.

427 A landlord is free to cancel the lease before it has lapsed if the tenant is not working the land—as happens frequently; the court would confirm his right to do so, only ordering him to return the initial payment. 425 But it may also happen that the landlord dies or emigrates while the lease is still running, or that for some other reason the lease is not recalled. In such cases the lessee often continues to work the land, although he has naturally ceased to pay the annual rent; he even comes to regard the land as his own whether he is working it or not, till one day it may be demanded back by the original owner or his heirs. In Trans-Kaduna, where no long-term transfer of land exists, any evidence as to the nature of the original transaction will at once settle the case. In the conquered areas of Cis-Kaduna, where land is let and sublet, and where short leases and leases for an indefinite period coexist, it is often difficult to establish clearly whether temporary or permanent lease had been arranged originally, specially when the witnesses of the original contract have died. What type of lease was originally intended is shown by the amount of the initial payment; whether it was high or low, that is, a 'real' payment, or only a *kyutá*, a gratuity. The latter, combined with a repeated rent in kind, establishes the nature of the temporary lease, the *jí aró*, 'borrowing'. But the continued working of the 'borrowed' land, and the failure of the original owner or his heirs to call in the lease, clearly alter the situation considerably. The attitude of the court in such

¹ Characteristically this annual rent is called in Bida—quite logically—*dsanké* 'tithe', but in the villages *kyutá*, 'present'.

566 services which they have rendered to their overlords. Ultimately all land is derived from one source: the royal house, which again bestows land for services rendered. The title of the royal house to the possession of land is by the right of conquest. We must examine this more closely.

425 In the conquest of Nupe country the members of the royal family
643 appropriated three categories of tribal land: all no-man's-land between
471 villages, i.e. virgin land in the *cikā*, the uninhabited bush; also all village land which, once occupied, had been lying fallow for long, either because of the death of the owner or his emigration, or because a short-term lease (borrowing) had lapsed; finally, under certain conditions, the *Etsu* also seized the village land on the outskirts of the village territory, what we have called the 'land reserve' of the village. The first two kinds of land were divided up geographically between the three royal houses, as we have already seen, one receiving all land to the east of Bida, one all land to the west and north-west, and the third all land to the south of Bida. (See sketch-map, p. 81.) The last category of expropriated land (the village 'reserve') was sometimes appropriated by a ruling *Etsu* arbitrarily and irrespective of its geographical position in one of the three royal territories.¹ Of the land thus owned by the royal houses by the right of conquest the *Etsu* or royal princes of highest rank bestowed smaller or larger parcels on their followers, members of the nobility or slaves and *bara* 'for services rendered'; the land grant gave them complete and permanent rights to the land, in return for which they had to pay the usual annual *dzankā* in kind. The royal tenants—'primary tenants' as we have called them—then settled their own men in various ways on this land, either founding *tunga* settlements for them or subletting the land (or part of it) in any of the ways discussed above. Every landed property which we find in the 'conquered territory', excepting only the scattered islands of original village land, has thus been derived directly or indirectly, that is, through the hierarchy of feudal nobility, from one of the three royal houses of Nupe.

453 Apart from these possessions which were given away to rank-holders
643 and henchmen the royal families have kept certain royal estates proper. This land is not transmitted in the ordinary way of inheritance to younger brothers or sons, nor is it alienable like the other lands appropriated by the royal houses, but can be claimed only by the three titled heads of the royal dynasties. Right to this special royal land is thus part of the promotion to rank and status within the dynasty and the political system at large. It implies absolute and permanent ownership; it implies more than merely the 'administrative' control over family land that is vested in the family head in the Nupe village. Yet it reflects the most essential element in Nupe peasant ownership of land—what I have called 'access' to the land in virtue of headship of the kinship group. This surprising analogy between feudal monarchy and peasant ownership is rooted in an analogy in the structure of the two groups as such, village

¹ Thus, for example, all the land in the district of Jima, south of Bida, belongs to the house of Umaru Majigi. But the village land of Kucigi, a village in this district, had been appropriated by *Etsu* Maliki (of the house of Usman Zaki) when he was *Etsu* Nupe and bestowed on one of his slaves, the *Cece*.

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kinship group and royal 'house', different though they are in many other respects. The possession of land is only one instance of the joint, 'corporate', rights which characterize the two analogous groups. But of this we shall say more later.

Royal Estates

The three royal estates are situated immediately outside the town walls of Bida. On each of the estates we find a small hamlet, called *esoši*, where (former) royal slaves are living, who were appointed to work the land and look after the royal property.¹ Each of the three *esoši* is placed under the headship of a head slave, styled *Sokyara*—a titled overseer of the royal estates.

The first cultivation in the year—the clearing and first hoeing—was always done by large-scale communal labour in which over a hundred people used to join—slaves, *bara*, peasants from the neighbourhood—and which lasted for one or two days. The *Etsu* himself arranged for food and drink (sorghum beer) and for the customary band of drummers and flute-players to play during the work and at the dance afterwards. After this first cultivation the care of the land was left entirely to the slaves. Originally the whole yield of the royal estates went to the *Etsu* and to the other heads of the royal houses. The *esoši* used to supply over a hundred bundles of corn annually. The royal landlord gave his slaves in return food and clothing, and cared for their various needs. The married slaves (as everywhere in Nupe) were given fairly large individual farm-plots of their own which were not only sufficient to provide food for their families but as a rule also allowed some surplus for trade.

Under modern conditions the position of the royal slaves in the *esoši* has been assimilated to that of clients who only pay an annual tithe from the produce of their farms. But the different Emirs dealt differently with the question of adapting the management to modern conditions. *Etsu* Mohamadu, who was not very interested in farming, abandoned the communal work of the first cultivation; he also lost all personal touch with his *esoši*, and insisted only on the annual *dzankd*. *Etsu* Bello, on the other hand, maintained the communal work of the first cultivation; he demanded one-third of the total produce as 'tithe', leaving the rest to the people of the *esoši*. Under the late *Etsu* Saidu and under the present *Etsu* every family head in the *esoši* paid one to two bundles of sorghum or late millet to the royal landlord, the *Sokyara* acting as intermediary—the total tithe amounting to about ten to fifteen bundles a year. When the Government built the new residence for the present Emir a final change took place. The land outside the Wuya gate of Bida, which formerly belonged to the house of *Etsu* Masaba, was bought by the Government as a site for the new building, and turned into Crown land.² The

¹ During the dry season the three royal estates, being situated directly outside the town gates of Bida, are the natural camping-ground for the donkey and cattle caravans that pass through Bida. Now it is the customary practice that these camps—rather primitive grass-shelters erected by the people of the *Etsu*—are always pitched on the farm-land belonging to the ruling *Etsu*. His farms have thus the benefit of the well-manured soil.

² In accordance with Nupe practice the fruit-bearing trees were not included

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423 present Emir, who comes from the royal house of Umaru Majigi, thus
 241 owns, unlike any of his predecessors, two royal estates: his own family
 643 estate near the Jima gate, south of Bida, and the new estate on the Crown
 427 land near the Wuya gate, which, like the residence itself, belongs to the
 modern accoutrements of his office. The *eso* people on his family
 estate were prepared to work for him on the usual *dzanká* arrangement.
 But the *eso* of *Etsu* Masaba—the *eso* on the land that had now become
 his official estate—refused to work for their new landlord on the
 old terms, and demanded money wages. Finally, when the *Etsu*
 242 in 1936 started an experimental farm for mixed farming on his family
 466 estate, the *eso* workers there also denounced the old agreement and
 demanded wages; for this was work of a new kind altogether, work
 carried out entirely for their landlord, no longer work after their own
 fashion, from which they could hand over the traditional share in the
 produce.

Non-agricultural Use of Land

423 A few words must be said in conclusion about rights to land that is
 used for other than agricultural purposes, such as clay-pits from which
 clay is obtained for pottery or for the sun-dried bricks used in house-
 building, the iron-ore deposits which are used by the native iron-ore
 smelters, or the space needed for the dye-pits of the indigo dyers. All
 these stretches of land, whether they are situated close to the house (like
 the dye-pits) or some distance away (like the clay-pits and the
 ferruginous hill-side) are accessible to all.

423 The thick strips of rain-forest near the rivers are specially valuable
 313 'no-man's-land'. Here woodcarvers and carpenters find the timber they
 438 need for their work. The branches of certain palm-trees are used for
 rafters in roof building; a certain species of reed is used for the making of
 the curtain-like mats which the Nupe call *eshegi* (the Hausa *asabari*);
 other species of grass, and the leaves of the dum-palm, are used for mat-
 making and the making of straw hats. The fact that these materials are
 found only in certain places, far away from the town where the craftsmen
 who are using them are living, is turned to economic use, and the pro-
 curing of the raw material thus gains independent commercial signifi-
 cance: the big palm-branch rafters are sold on Bida market by the men
 who cut them; and men and women frequently use the time of com-
 parative leisure in the dry season to travel down to the river in order to
 collect dum-palm leaves and marsh-grass, which they sell later, for a
 little money, to mat- and straw hat makers.

423 The collecting and selling of firewood (which is done by women) and
 313 the cutting and selling of grass for roofing (done by men) belongs to a
 slightly different category. For in this case the non-agricultural use of
 land does not apply to 'no-man's-land'; the farmers and their families

in this transaction and remained the property of the original landlords, i.e. the
 head of the house of *Etsu* Masaba. Thus in January 1936, when the new official
 residence of the Emir had been standing already for almost a year, people from
 the house of *Etsu* Masaba were collecting the fruits of the trees on the new
 Crown land.

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themselves make use of these secondary resources which they find on their land.

We may mention, finally, the various uses to which uncultivated land in the town—streets and open spaces in Bida or the larger villages—is put: women may put up little 'kitchens' by the roadside, where they cook food and sell it to passers-by; traders or craftsmen may build themselves a small hut to be used as workshop or booth; or neighbours may get together and build one of the little mosques on the open space between their houses, which you find scattered all over Bida town. No permission is necessary for these modest buildings. For larger enterprises, a big mosque, or a market, the *Etsu* in Bida or, in the village, the chief, would himself allot the necessary space. This practice includes modern requirements as well: thus *Etsu* Mohamadu, who had shown great sympathy for the work of the C.M.S. Mission, gave them a space for building a school and a compound inside Bida, in his own *ekpā* of the town, free of charge.

LIVE STOCK

Cattle-keeping plays a very secondary part in Nupe economics. This is shown most clearly in the very low *per capita* figures quoted in the statistical table at the end of this section. To-day cattle are owned only by the butchers who buy for the kill from the Bornu and Fulani cattle-traders who, with their huge herds, pass regularly through Nupe and Bida, on their way from the north and the south. I say 'to-day', because formerly many of the members of the Nupe aristocracy and the more wealthy among the Bida people used to own large herds of cattle.¹ Slaves taken from the Bororó-Fulani, the nomadic Fulani herdsmen, looked after the cattle. The cattle were always kept outside the town, frequently a long distance away; for they had to be moved from pasture to pasture according to the season, up north, away from the tsetse-infested area near the rivers, in the rains, and south again in the dry season. This meant, obviously, much trouble and cost, and this is mostly quoted as the reason which made the Nupe eventually abandon cattle-keeping altogether. *U de wahalla*, 'it is a great trouble', was the explanation given to me by the *Alkali* of Bida when I expressed my astonishment that it was so difficult nowadays to find people ready to buy a herd of cattle. I have known two cattle-owners—the last in Nupe; one was an ex-slave who died without heir in 1936 and left a herd of thirty-two head of cattle which at the time was tended for him by Fulani herdsmen who had their camp near Bida. It was at his death that the question arose where to find a buyer for the herd. The other cattle-owner was the late *Etsu* of Agaie, a Fulani by birth, who owned a large herd of very beautiful cattle, of over 200 head, which was tended by Nupe shepherds, the sons of ex-slaves of the *Etsu*.

I may, perhaps, add here an historical note: The cattle of the *Etsu* of Agaie were not, like the cattle to be seen at present in Nupe, of the

¹ Laird and Oldfield refer to the huge herds of cattle which they saw in the capital of Nupe kingdom, Rabá.

CHAPTER XIII

- AGRICULTURE: ORGANIZATION OF LABOUR

LABOUR organization in Nupe, in every field of economic activity, is characterized by a twofold principle: the distinction between individual work and family work or, in native terminology, between *bucd* and *efakó*. As the division of labour implied in this distinction also involves a corresponding division of income and property, our discussion of the organization of agricultural labour must at the same time be a discussion of the forms of property that obtain in relation to agricultural production. The terms *bucd* and *efakó* have, in fact, this wider meaning. Every kind of work done individually, its products and the income—individual income—derived from it, are *bucd*; and every work done jointly, in collective family work, producing output and income over which the family group or a section of the family group exercises joint rights, is *efakó*. Thus we find two different kinds of farm property: *efakó* farms which are owned and worked jointly by the family group, and *bucd* farms worked and owned by individuals. Similarly there are *efakó* granaries to hold the produce from the family farms, and *bucd* granaries to hold the produce which the individual members of the family group own and utilize. The family group or, more precisely, the section of the family group which forms the *efakó*-unit, owns from ten to twelve granaries which are as a rule placed close to the centre of the house. Every *bucd* owner has, besides, his own granary, which is usually found close to the wall of the compound. Obviously, in a system of labour based not on wages but on joint work and a share in the proceeds, the discussion of the labour organization cannot be treated separately from questions of ownership and land-tenure. On the other hand, a co-operative group consisting of a section of the kinship group cannot be described without constant reference to kinship organization. Frequent cross-references, and overlapping with other sections of the book, are thus unavoidable.

INDIVIDUAL AND FAMILY WORK

Let me begin with the *bucd*, which can be briefly described. Every male member of the family owns a *bucd*, with the exception of the family head who being the administrator of the *efakó* has no *bucd* himself. For his personal requirements he is entitled to draw on the *efakó*-income. Young boys of 8 or 10 already possess *bucd* farms of their own. *Bucd* farms vary considerably in size, and grow with their occupants. The largest *bucd* farm which I found was about one acre, i.e. about half the size of the plot of land which on the family possessions is proportionate to every adult worker. The average *bucd* yield I found to be between one-third and one-half of the individual adult's share in the yield of the family farm. The *bucd* owner can work on his farm only 'out of business hours', when he is not needed for *efakó*

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462 *Women*: 'Yes, but *only* the grain. We have to contribute *kula*, *kuka*,
salt, pepper and palm-oil.'

562 *I*: 'Surely you have locust-bean trees and red pepper in Leaba?'

Women: 'No, there are no locust-bean trees here, nor pepper.'

One woman: 'This is not true, we have pepper.'

Another woman (rather defiantly): 'Well, there still remains salt, *kula*,
and palm-oil for which we, the women, have to pay.'

[423] Another example of the clearly defined economic rights of the women is
this: in the Nupe communities in the forest groves on the Niger, where there are
no shea-nut trees, the banana is the property of the women and supplies them
with fruits which they can dispose of in their own right.

361 hand, are hardly larger than a *tunga* (see below). An *asi* used to be encircled by a large wall, the ruins of which can still be seen in many places, which formed a protection from the dangers of war. Some Nupe villages of to-day have sprung from the amalgamation of smaller groups, fusing for purposes of protection against Fulani raiders.

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374 To-day there is at least one small mosque in every Nupe settlement except in the riverain villages, while pagan shrines are concealed in the houses. All settlements have good wells and round roasting-ovens of red clay. A square of open booths forms the market. To the west of every village is an open space (*finso*) where corn is threshed.

621 An *asi* usually has several *tunga* settlements or hamlets; Kutigi, for example, has six, founded between 1860 and 1910. The *tunga* are much smaller "daughter settlements" or "colonies" of the *asi*. They seldom consist of more than three family groups (*emi*—see p. 31 above); they are less permanent than the "real" village, and lack the religious and ancestral bonds which tie a village to its locality. They have no separate markets or age-sets. *Tunga* settlements have been formed by groups moving out into the bush in search of new farmland; they are always referred to as the *tunga* of a certain *asi* and rarely, if ever, develop into villages themselves. Close contact, intermarriage, and new emigration link a *tunga* with its *asi*.

652 The ward (*efu*) is a sector of a large village or town and is made up of a number of compounds; except in some riverside villages they are often separated from each other by stretches of open land or cultivated fields studded with clumps of trees. Each *efu* has its own name, derived from a topographical peculiarity or a sociological feature, or from the origin of the inhabitants. The number of *efu* in an *asi* varies; the old city of Bida had four, Doko has five.

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592 The walled compound or "house" (*emi*), already mentioned with reference to its occupants, consists of a number of huts, mostly round, with very thin walls of clay and grass-thatched roofs. The high mud wall surrounding the *emi* opens upon a path or open space where there is a gateway or entrance hall to the compound, consisting of a larger hut known as *katamba*. The *katamba* is used as a meeting place for the men, as a guest house for strangers, or for the carrying out of part-time industries such as mat- or net-making. Within the *emi* are smaller partitions and a number of smaller *katamba* invisible from the outside. A chief sometimes has a larger and more imposing *katamba* with a high gabled roof and windows. Huts and entrance hall are often decorated with ornaments worked in relief into the clay. Signs of occupational specialization, such as a blacksmith's furnace, are sometimes found. A man and each of his wives has a separate hut.

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354 Granaries (*edo*) which stand among the living-huts in the compound, are egg-shaped, raised off the ground, about 7 ft. high and 4 ft. in diameter, with thick clay walls and a grass roof. The opening is about halfway up one side and has a clay lid. There are also cylindrical ovens, 5 ft. high and 3 ft. wide, for drying bulrush millet and shea-nuts, and for making soap, outside the compound. These are communal property, owned by the women.

THE POLITICAL SYSTEM^a

643 The political organization of the Nupe is centralized under the *Etsu* Nupe, who is the highest title-holder in a nobility graded by precedence but within which there is provision for promotion. Little is known of the system of kingship in pre-Fulani times, though some features from the ancient Nupe system doubtless survive in the original Nupe dynasty at Patigi. In former times there were ritual taboos in conformity with which the *Etsu* wore only white, ate food prepared only by his wives, and might not be seen eating by any stranger. The *adaho gboyd cult*^b for

^a Madel, 1942, pp. 87-91.

^b See below, pp. 44-5.

LEGAL PROCEDURE

627 The village head has limited and informal judicial powers. Minor cases are settled by him with two or three members of the council and the elders of the ward to which the litigant belongs. The procedure is informal and discussion rarely becomes heated. The authority of these courts is gradually being surrendered to the officially recognized courts. Cases requiring formal justice are referred to the

671 Native Court under the professional Moslem judge (*Alkali*) of the District.

692 In modern Nupe, Moslem law is paramount; the judges (pl. *Alkalis*) reside in Bida and the other Districts. The Bida town court is both a local court and appeal court for the Districts. The *Etsu* and his councillors form a higher court of appeal for cases concerned with land.

671 A marked disparity has been reported between Moslem law and the traditional
182 culture, particularly in rural communities, where the social and economic conditions differ most widely from the social life of which Moslem law is an expression. Peasants who were familiar with and understood the old customary law, often insist, when they come before the courts, on being accompanied by a mallam or person of standing who is familiar with the "new" law.

Among the Kyedve the *Alkali* holds his court in Muregi; the *Kuta* (chief) and delegates (district heads) have no judicial authority.

692 Jurisdiction over grave crimes was formerly the responsibility of the *Etsu*
196 Nupe. The death penalty was exacted for theft in the night, "big theft," murder, and treason. Traditionally the only villages in which executions could be performed were the *ledu* (pl. *leduzhi*) villages—Jebba, Gbere, Tada, Jiragi, Sulati, Fofa, Taiji, and Cewuru, which lie along the banks of the Niger 10 to 15 miles apart, between Jebba in the north and Egan in the south. The king's hangmen resided here and a criminal was generally taken for execution to the *ledu* village nearest to his home.

778 Each of these villages possesses a "chain of Tsoede," generally kept at the
782 chief's house; it is a typical heavy iron slave or prison chain, up to 30 ft. long, with arm- and leg-irons. Traditional sacrifices of beer and blood are made to it, and it protects the village from sickness and brings fertility to women. Jebba and Tada, the oldest of the *leduzhi*, also possess bronze figures.¹⁷

INHERITANCE

428 The personal property of men is inherited by their sons, that of women by their daughters. The family farm goes to the relative next in seniority, younger brother or eldest son, in the classificatory sense.¹⁸

586 A widow may be inherited by her husband's sister's son or her husband's younger brother; custom forbids remarriage with an elder brother. Islam, however, allows remarriage with elder or younger brother.¹⁹

LAND TENURE

123 Land tenure in different parts of the country has been variously affected by two factors, namely the appropriation as estates held by the nobility of parts of the tribal lands after the Fulani conquest, and the density of population.

The royal house of Bida holds the title to certain lands by right of conquest. Land was also bestowed on others by the royal house for services rendered, and all individual titles to land are held to be ultimately derived from this one source. The clearing and first hoeing of the royal estates is done by large-scale communal labour. The subsequent work was formerly done by slaves, but to-day by paid labour.

Most of the appropriation of land occurred in the area east of the Kaduna River. Here population is more dense and there is a complex system of land ownership and transfer. Owing to the consequent shortage, disputes are frequent and particu-

¹⁷ Nadel, 1942, pp. 58-8, 163-79; 1940a, p. 181; 1935b.

¹⁸ Nadel, 1942, pp. 31-2, 245.

¹⁹ Nadel, 1954a, pp. 249-50.

423 larly bitter in Bida. In the area west of the Kaduna River, there was less appropriation and there is less pressure on land. Land tenure is on a traditional tribal or village basis; there is no severe competition for possession and land disputes are rare.

[42] Traditionally men only could hold land; acquisition by women is still comparatively rare and occurs only around Bida. Rights may be acquired in various ways:

- (1) By a member of a non-land-owning family exercising his right as a member of the village community; land thus acquired is inalienable.
- (2) By short-term lease from an individual land-holder for two to five years; this method is known as *aro* ("borrowing"); land thus acquired is also inalienable.
- (3) By a member of a land-owning family exercising his claim, on his marriage, to part of the land held by the family.
- (4) By a stranger adopted into the household, in the same manner as (3).
- (5) By lease for an indefinite period, against payment plus rent in kind; this has now become tantamount to purchase.
- (6) By hereditary tenantry; no rent is paid but a share in the produce is given.
- (7) By "primary" tenantry; rights are ceded to another in recognition of services rendered, but the tenant must provide a share of the produce. If the primary tenant is not himself a farmer, as is often the case among members of the Nupe nobility, he will sub-let the land for a high initial fee and rent in kind.

425 Village land is held and apportioned by the chief. It is of three types:

- 471 (1) Land in the hands of families or individuals, whether worked or fallow (*lafi*).
- (2) Vacant land which has reverted to the chief for future allotment (*gonta*).
- (3) The fringe of "reserve" land or bush, the boundaries of which are unmarked (*ciha*).

Village land rarely stretches more than three miles from the village. Small individual plots (*buci*) are mainly near the village; larger family plots of 12-16 acres (*efako*) are generally farther afield. Family plots do not all lie near together. Land is not fenced except on the marshland plots near Kacha.

No fruit trees on village land may be cut down without the permission of the head, who has a special right to all fruit-bearing trees. Shea-nut trees on vacant land are common property, and women collect the fruit and share it. Shea-nut trees on occupied farmland belong to the owner of the farm. Farm plots in the village itself are owned by the people living in the compound adjoining the plot; they are apportioned and inherited within the houses and never left uncultivated.²²

Tenure of fishing pools is important among riverain groups. Among the Bataci every pool has a name and a specific owner. A pool may be owned by the village collectively or by an individual or it may be attached to a title and change ownership with it. Pools owned by individuals can be inherited. Rents are fixed by custom and do not vary from year to year; yearly fishing rights may be bought by individuals.²³ Strangers in Kede district seek formal permission to fish from the *Kuta*, through the village head in whose area they settle. The period of settlement varies from a few months to about three years, but there is no permanent settlement. Presents of fish may be made to the village head and the *Kuta*, or strangers tax paid to the Bida Treasury.²⁴

²² Nadel, 1942, pp. 100-204; Temple, 1910, p. 331.

²³ Prices given in the appendix to the Notes on Kede District (1950) vary between 2s. 6d. and £2.

²⁴ Notes on Kede District, 1950.

highways of the country), homicide, seduction, and the crime *lèse*
majesté ('abuse of the king', in Nupe phraseology). In securing
 a criminal, the *Kuta's* own men would act as a police force; if
 the crime came under the heading of a 'king's crime' the same
 police force would take the prisoner to the capital, where
 judgement would then be passed upon him by the king and his
 councillors.

We can say that with the exception of offences against kinship
 rules (e.g. the incest taboo) and offences against religious rules—
 the various religious rules of the *kintsozi* which were of no concern
 to the Kede rulers—no serious breach of established rules of con-
 duct was left to private settlement or to the informal sanctions
 of 'public opinion'. The comprehensiveness of the claims of the
 Kede State to enforce conduct within its boundaries must yet
 admit of one significant limitation: the Kede must surrender
 jurisdiction over certain major crimes committed in their territory
 to their overlords; they must, in other words, agree to a limitation
 of their autonomy in the interest of the Emirate at large. We
 shall presently encounter another aspect of the maintenance of
 'law and order' in which the prerogative of the Kede chief must
 give way to that of the central government of the country, yet in
 which the relation between the two is, in the very nature of things,
 much less clearly defined: the territorial rights of the various
 subject groups which are united under Nupe rule.

Territorial Rights. The Kede, as the overlords of the *kintsozi*,
 guarantee to their own subject groups certain corporate territorial
 rights. The semi-riverain *kintsozi*, as we have seen, derive their
 livelihood to a large extent from fishing in the backwaters and
 creeks of the River Niger. The fishing rights of the different *kint-*
sozi villages were upheld by the Kede rulers and enforced if need
 arose by the full military power at their disposal. Nupe kingdom
 equally guaranteed corporate territorial rights to its various
 subject groups. The Kede, as one of these subject groups, enjoyed
 these territorial rights with respect to their undisturbed possession
 of the whole riverain area.

But the presence of a strong and expanding group like the Kede
 in the political framework of the Nupe State must invite conflicts
 over the territorial rights of other subject groups of Nupe which
 are neighbours of the Kede in the river area. As the more recent
 history of Nupe shows, conflicts of this kind have frequently

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arisen. Their occurrence or avoidance is clearly bound up with the interpretation put on Kede political autonomy—a point which we will discuss under a separate heading.

VI. *The Claim to Autonomy*

Let me say, first, that the administration of Kede country presents an exact analogy to the administration of Nupe kingdom. Emissaries from the capital, delegates recruited from the ruling house, are in charge of the administrative districts of the Emirate as they are of the district of Kede country. This analogy reflects the analogous political evolution in both countries; the rise to power of a small group over a large country with heterogeneous population. The only exception from this rule of administering the districts of the Emirate through royal delegates is Kede country itself, which remained under its own chief, who acted as the representative of the *Etsu* Nupe. Even for this exception there is a parallel to be found in Kede organization: the emissary system did not apply to the area of the upper-stream Kede. Their whole area was regarded as one sub-district of Kede country and was placed in charge, not of an emissary from Muregi, but of one of their own chiefs, the village chief of Bele, their southernmost settlement. The explanation for this privileged position of the two groups, the Kede *Tifin* under Kede and the Kede under Nupe, is most probably the same—namely, that their rulers would have found it difficult to control themselves effectively the territory of these subject communities: the Kede the country of the upper-stream group, which was not easy to reach with their big canoes (note that they made the chief in the place farthest down-stream the 'deputy' for the whole group), and the Nupe kings the whole river area.

To the down-stream Kede their autonomous position in Nupe Emirate is a sacred trust, dating back to their first chief who received, with the chieftainship of Kede, the 'Rule over the Water' from the mythical Tsoede. The Kede chiefs still style themselves *Etsu nya nuwā* ('King of the Water'), and, as their history shows, have always taken this title very literally. It meant to them more than merely the formal concession of assigning to a Kede chief duties normally discharged by a royal delegate, and they have in the past frequently attempted to acquire a larger